

AMENDED IN ASSEMBLY MAY 3, 2004
AMENDED IN ASSEMBLY APRIL 29, 2004
AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3037

Introduced by Assembly Member Yee

February 26, 2004

~~An act to amend Sections 6302 and 6401.7 of, and to add Sections 6401.8 and 6401.9 to, the Labor Code, and to amend Section 1103 of, and to add Chapter 1.5 (commencing with Section 1200) to Part 1 of Division 2 of, the Public Contract Code, relating to employment. An act relating to employment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3037, as amended, Yee. Employment: occupational safety and health.

Existing law requires every employer to establish an effective injury prevention program, and specifically permits employer and employee occupational safety and health committees to be included in the employer's injury prevention program.

~~This bill would require the injury and illness prevention program (HPP) of an employer to include either a joint employer-employee occupational safety and health committee or an employer-employee safety liaison team, except as specified. The bill would require the Division of Occupational Safety and Health to adopt regulations to implement this new requirement on or before January 1, 2006, and to~~

~~establish minimum criteria regarding committee duties and selection of employee representatives.~~

~~Existing law creates a presumption that an employer is in substantial compliance with the communication requirement of the employer's injury prevention program if the employer's occupational safety and health committee conforms with specified criteria.~~

~~This bill would require the Department of Industrial Relations or one of its divisions to establish criteria for a certificate of merit for employers with an effective HPP with an effective joint employer-employee occupational safety and health committee. The certificate would entitle the employer to additional incentives, including a discount on the employer's workers' compensation premium and a presumption that an employer meets responsible bidding requirements for safety and health.~~

~~The bill would require employers to submit certificate applications under penalty of perjury. By creating a new crime, the bill would impose a state-mandated local program.~~

~~The bill would impose related responsible bidder requirements for public contracts, that would require demonstration of the effectiveness of the bidder's HPP. The bill would require the Department of Industrial Relations to develop model guidelines for contractual language for public entities to assure that the successful bidder provides a safe and healthful work place.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

This bill would state the intent of the Legislature to require high hazard industries to include an employer-employee committee or liaison to work in conjunction with their existing injury and illness prevention program.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: ~~yes~~ *no*.

The people of the State of California do enact as follows:

1 ~~SECTION 1. The Legislature finds and declares that~~

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1 SECTION 1. (a) *It is the intent of the Legislature to require*
2 *high hazard industries to include an employer-employee*
3 *committee or liaison to work in conjunction with their existing*
4 *injury and illness prevention program.*

5 (b) *The program shall be written and shall include, but not be*
6 *limited to, all of the following elements:*

7 (1) *Identification of the person or persons responsible for*
8 *implementing the program.*

9 (2) *The employer's system for identifying and evaluating*
10 *workplace hazards, including scheduled periodic inspections to*
11 *identify unsafe conditions and work practices.*

12 (3) *The employer's methods and procedures for correcting*
13 *unsafe or unhealthy conditions and work practices in a timely*
14 *manner.*

15 (4) *An occupational health and safety training program*
16 *designed to instruct employees in general safe and healthy work*
17 *practices and to provide specific instruction with respect to*
18 *hazards specific to each employee's job assignment.*

19 (5) *The employer's system for communicating with employees*
20 *on occupational health and safety matters, including provisions*
21 *designed to encourage employees to inform the employer of*
22 *hazards at the worksite without fear of reprisal.*

23 (6) *The employer's system for ensuring that employees comply*
24 *with safe and healthy work practices, which may include*
25 *disciplinary action.*

26 (c) *The employer shall train all employees when the training*
27 *program is first established, all new employees, and all employees*
28 *given a new job assignment. Employees also shall be trained*
29 *whenever new substances, processes, procedures, and equipment*
30 *are introduced to the workplace and represent a new hazard, and*
31 *whenever the employer receives notification of a new or previously*
32 *unrecognized hazard.*

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35 **All matter omitted in this version of the**
36 **bill appears in the bill as amended in the**
37 **Assembly, April 29, 2004 (JR 11)**
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